<u>REMARKS</u>

Reconsideration and allowance of the subject application in view of the foregoing amendments and following remarks is respectfully requested. Entry of this Amendment Under Rule 116 is merited as it raises no new issues and requires no further search.

The amendments to claims 1, 3, 7 and 13 are based on, and are believed to find support in at least, inquiring steps E2 and E45 in FIG. 2 and particularly on page 113, lines 4-9 and page 13, line 32 to page 14, line 6.

Response to Examiner's Comments

With reference to paragraph 6 of the Final Office Action (FOA) mailed December 8, 2009, the beginning of the third paragraph at page 10 of the prior response submitted August 11, 2009 does not mean the gateway database 18 in Low et al (US 2003/0018726) does not comprise voluntary communication states. The passage stated that the gateway database 18 does not comprise voluntary communication states <u>corresponding to apparent communication states</u>. The first paragraph at page 11 of the prior-submitted response clearly stated (emphasis added): "the user of the mobile device 32 (or IM client terminal 10, 34) cannot select a communication state of the device that is defined independently of its detected state (or its voluntary communication state) to make it correspond to an **apparent** communication state <u>imposed/selected by the user</u> in relation to third parties seeking to communicate with the user's terminal," as described below.

Amended and non-amended claims 1, 3-7, and 9-13 are patentable under 35 U.S.C. 102(b) over Low et al. (U.S. Published Application 2003/0018726)

The rejection of claims 1, 3-7, and 9-13 under 35 U.S.C. 102(b) as being anticipated by Low is hereby traversed and withdrawal of the rejection is respectfully requested.

The present specification (page 6, line 18 to page 7, line 3) defines three communication states for a terminal:

1. A detected communication state ED that is a state of the terminal detected by means internal to the respective access network RA and transmitted to the publishing gateway PP, such as "off-hook" (seizure of connection), "waiting for dial tone", "free", "busy", "unavailable", "on-hook" (clearing down). The detected communication states ED are linked to the access networks of the terminals and their number is therefore finite.

2. A voluntary communication state EV that reflects the state of the terminal decided on by the user of the terminal vis à vis other means, such as "do not disturb", "temporarily absent" or "away". The voluntary communication states are not limited in number, and new voluntary communication states can easily be created.

3. An apparent communication state EA that corresponds to a standard communication state of the terminal in the access network RA. The apparent communication states are defined as respective detected communication states. The apparent communication state is imposed by the user in relation to third parties seeking to communicate with the user's terminal (page 3, lines 13-15).

For example (as set forth in the Response to the first Office Action at page 10, third paragraph and repeated herein for ease of reference), a third party user who calls a terminal T whose user has decided he does not wish to be disturbed for a predetermined time period is made aware of the "unavailable" apparent communication state, which corresponds to the "do not disturb during predetermined time period" voluntary communication state decided on by the user of the terminal T, although the terminal T may be used for outgoing calls during the predetermined time period (page 7, lines 10-18). The "unavailable" apparent communication state is seen by the third party user as a disconnected state of the terminal T, although the terminal using outgoing

calls is really connected to the access network RA.

Therefore, the user of the terminal can select one of plural apparent communication states that are detected communication states, for one voluntary communication state. For example, the voluntary communication state EV "do not disturb" or "away" may correspond to the apparent communication state "busy tone", or "forwarding a pre-stored voice message", or "transferring the call to another terminal" for a third party user who calls the terminal, although the communication state ED of the terminal really detected by the respective access network RA is a state of the terminal connected to the access network. Therefore, after the step E472 in FIG. 2, the current communication state EC = EA stored in the database server SGBD differs from the communication state ED of the terminal really detected by the respective access network RA, or the voluntary communication state EV decided by the user of the terminal.

In the IM gateway 2, Low considers two types of terminals.

i) The IM client terminals, as the computers 10, 34 (fixed terminals); an IM client terminal uses respective one of plural IM protocols [Low at 0029] and sends IM packets to the server 16 of the gateway 2 which sends them back to another computer or to respective one of IM servers 20 to 26 [Low at 0028 and 0036]. IM clients send a number of commands that change the user's state or presence on the IM networks. These include the commands which initiate the user's login to and logout from the IM network, and commands which are sent to indicate that the user is away, idle, or does not whish to be disturbed [Low at 0039]. These commands are handled by an IM state change process and maintaining in the state table 1 on the database 18 of the gateway 2, and to be considered as real detected states and real voluntary states of the IM clients. However, no apparent communication state corresponding to (associated with) a real voluntary communication state is provided to hide a detected state or a real voluntary communication state from a third party user wishing to communicate ("see") with the mobile device.

ii) The wireless devices such as mobile device 32 without requiring an IM client to be installed on the wireless devices [Low at 0033] and for which the gateway 2 supports its own IM system [Low at 0030]. For the mobile device 32, the gateway 2 receives state

information from the equipment 31 of the mobile communications network 30, indicating whether the device 32 is connected to the mobile network 30; this allows the gateway 2 to store IM state information indicating whether the device 32 is available for receiving IM messages [Low at 0033]. When the device 32 is disconnected from the network 30, the wireless network equipment 31 informs the gateway 2 [Low at 0033]. The network equipment 31 contains state information for users of the mobile network, indicating whether the users are connected to the mobile network 30, i.e. whether or not their mobile device 32 is turned on and available to receive communications [Low at 0045]. The gateway 2 stores one of two states: a connected state indicating the availability of the mobile device (syd) on the IM network to users in a buddy list, and a disconnected state, if the mobile device (syd) is switched off at any time, indicating that IM messages cannot be sent to the mobile device and that the mobile device is no longer available on the IM network [Low at 0045]. Therefore, the state table 1 in the database 18 of the gateway includes the connected state, or disconnected state, or another state, as "online", "chat" or "logoff" [Low at 0047], which is the _real_ state of the mobile device detected by the network equipment 31 or confirmed by an action from the user of the mobile device. These real states for a mobile device are to be considered as detected states and voluntary states. However, no apparent communication state corresponding to (associated with) a real voluntary communication state is provided _to hide_ a real voluntary communication state from a third party user wishing to communicate ("see") with the mobile device.

Based on at least the foregoing, Low fails to provide an apparent communication state associated with a real voluntary communication state in the database 18 for an IM client terminal or a mobile device. All the states stored in the database 18 of Low are real states of the IM client terminals and the mobile devices.

Low fails to teach or suggest enquiring the database 18 in the gateway 2 via a packet network to select a voluntary communication state previously decided by said terminal in the database 18 in response to a state change detected in a packet by the switch 6, and also to select an apparent communication state corresponding to said voluntary communication state in said database as a function of an identifier of said terminal transmitted by said publishing gateway to said database. For example for an IM client [Low at 0042]: when the gateway 2 receives a command that will change the user's

state, and if the command is a command to login the user and the login was successful in the respective IM server 20, then the state table is updated to reflect the user's state as "online." Similarly, if the IM command modifies the user's state to be (un)available, or the user leaves the IM network, then the state table is updated. For example, for a mobile device 32 [Low at 0045]: if the mobile device is switched off at any time, this is detected by the network equipment 31, which sends a corresponding message to the gateway 2, which updates its state table to indicate that IM messages cannot be sent to the device 32.

In FIG. 2 of the instant specification, updating the database SGDB at steps E10-E11 succeeds to enquiring E2 the database on any voluntary communication state EV in the database and, if there is a voluntary communication state EV associated with the terminal (page 13, line 32 to page 14, line 6), enquiring E45 the database on any apparent communication state EA corresponding to the voluntary communication state EV, and modifying E472 said current communication state to said apparent communication state in the publishing gateway PP; the instant messaging communication state transferred from the publishing gateway to an instant messaging server is then changes in the instant messaging server (steps E7-E8). Low fails to enquire the database 18 to select a voluntary communication state previously decided by said terminal in said database and then to enquire the database 18 to select an apparent communication state corresponding to said voluntary communication state in said database, before updating the database. In Low, the gateway 2 behaves as an instant messaging (IM) server for both IM clients and mobile devices and consequently updates its database 18: the gateway 2 processes the IM packets it receives from the clients 10, 34 so as maintain tables on the states of the clients for each client or user [Low at 0029]. The gateway 2 supports its own IM system for users of wireless devices [Low at 0030].

Consequently, Low fails to disclose or suggest the steps of enquiring, modifying and transforming at set forth in claim 1 and the units for enquiring, modifying and transforming set forth in claims 7 and 13 relating to an apparent communication state. Applicant cannot agree with the allegations in the Office Action that Low discloses the requirements of independent claims 1, 7 and 13.

For at least each of the foregoing reasons, claim 1 is believed patentable over

Low and withdrawal of the rejection is in order.

Claims 3-6, 9, and 10 are patentable over Low for at least the reasons advanced above with respect to claim 1 from which they depend.

Claims 7 and 13 are believed patentable over Low for at least reasons similar to those advanced above with respect to claim 1 and withdrawal of the rejection is believed in order. Claims 11 and 12 depend from claim 7, include further features, and are patentable over Low for at least the reasons advanced above with respect to claim 7.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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